

1 ROBERT E. BORTON (State Bar No. 53191)  
2 RACHEL M. JONES (State Bar No. 218642)  
3 HELLER EHRLMAN LLP  
4 333 Bush Street  
5 San Francisco, CA 94104-2878  
6 Telephone: (415) 772-6000  
Facsimile: (415) 772-6268  
E-mail: robert.borton@hellerehrman.com  
rachel.jones@hellerehrman.com  
7 Attorneys for Plaintiff  
8 RAYSHAUN DEVON SINCLAIR

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

RAYSHAUN DEVON SINCLAIR,

**Plaintiff,**

V.

C/O T.W. BUSH,

**Defendant.**

Case No. C 03-4331 WHA

**STIPULATION AND [PROPOSED]  
ORDER RE EXPERT AND NON-  
EXPERT DISCOVERY**

Trial Date: December 5, 2005

Time: 7:30 a.m.

Place: Courtroom 9, 19th Floor

Judge: The Honorable William Alsup

Pursuant to Northern District of California Civil Local Rule 7-12 and paragraph 11 of the Case Management Order and Reference to Magistrate Judge for Mediation/Settlement dated January 31, 2005, plaintiff Rayshaun Sinclair and Defendant T.W. Bush, by and through their respective counsel, stipulate as follows:

WHEREAS, the Case Management Order in this action ordered that the non-expert discovery cut-off date is July 29, 2005; the last date for designation of expert testimony and disclosure of opening expert reports is July 29, 2005; the last date for disclosure of reply reports is August 5, 2005; and the cutoff for all expert discovery is August 19, 2005;

1        WHEREAS, defendant has requested additional time to complete fact discovery and  
2 disclosure of expert reports, and plaintiff does not object to this request on the condition that  
3 this change in schedule does not result in additional costs to plaintiff as a result of his  
4 deposition and any physical examination requiring multiple trips to the Bay Area;

5        WHEREAS, plaintiff has not yet deposed the following individuals named in  
6 defendant's initial disclosures: Associate Warden W.A. Cohen; Lieutenant B. Jordan;  
7 Sergeant L.J. Kulwicki; the MTA who completed the 7219 dated 1/17/03 (name currently  
8 unknown); Officer Jacobsma; and Lieutenant Wingo, and defendant does not presently  
9 know whether any of these individuals will be a witness at trial;

10      WHEREFORE, the parties stipulate as follows:

11      1.     The non-expert discovery cut-off date shall be August 5, 2005.  
12      2.     The last date for designation of expert testimony and disclosure of opening  
13      expert reports shall be August 12, 2005.

14      3.     The last date for disclosure of reply reports is August 29, 2005.  
15      4.     The cutoff for all expert discovery is September 12, 2005.

16      5.     Pursuant to stipulation between the parties, defendant has noticed plaintiff's  
17 physical examination for August 4, 2005 at 10:00 a.m. Plaintiff stipulates to a physical  
18 examination of plaintiff's hand. However, plaintiff does not stipulate to any mental  
19 examination.

20      6.     In the event that defendant decides to bring Associate Warden W.A. Cohen;  
21 Lieutenant B. Jordan; Sergeant L.J. Kulwicki; the MTA who completed the 7219 dated  
22 1/17/03 (name currently unknown); Officer Jacobsma; or Lieutenant Wingo as a witness at  
23 trial, defendant will promptly notify plaintiff of that decision and will consent to plaintiff  
24 taking a pre-trial deposition of any such witness.

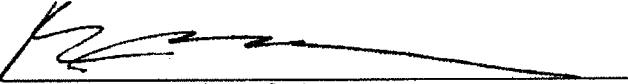
25      Aside from the changes set forth above, all other provisions of the Case Management  
26 Order in this action still apply, including those provisions relating to the contents of expert  
27 reports and testimony.

1 Nothing in this stipulation shall be used by any party as grounds for seeking an  
2 extension of time to file dispositive motions or for a continuance of the pretrial conference  
3 or trial date.

4 DATED: July 29, 2005

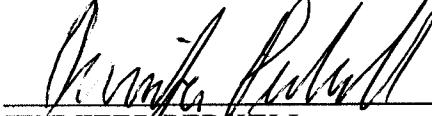
Respectfully submitted,

5 HELLER EHRLMAN LLP

6 By   
7 ROBERT E. BORTON  
8 RACHEL M. JONES

9 Attorneys for Plaintiff  
RAYSHAUN DEVON SINCLAIR

10 OFFICE OF THE ATTORNEY GENERAL

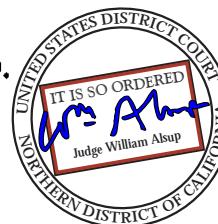
11 By   
12 JENNIFER PERKELL

13 Attorneys for Defendant  
14 T.W. BUSH

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16  
17  
18 DATED: August 1, 2005

19  
20  
21 The Honorable William Alsup  
22 United States District Judge



23  
24  
25  
26  
27  
28  
Heller  
Ehrman LLP